

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Michael Danieli, on behalf of
himself and those similarly
situated, Plaintiff,

- against -

International Business Machines Corporation Defendant.

08 cv 3688 (RWS)

MOTION TO ADMIT COUNSEL

PRO HAC VICE

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the

Southern and Eastern Districts of New York, I, Piper Hoffman a member in good standing of
the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

Applicant's Name: David Borgen
Firm Name: Goldstein, Demchak, Baller, Borgen & Dardarian
Address: 300 Lakeside Drive, Suite 1000
City/State/Zip: Oakland, California 94612
Phone Number: (510) 763-9800
Fax Number: (510) 835-1417

David Borgen is a member in good standing of the Bar of the States of
California

There are no pending disciplinary proceeding against David Borgen
in any State or Federal court.

Dated: June 4, 2008

City, State: New York, NY

Respectfully submitted,

Sponsor's Piper Hoffman
SDNY Bar PH 4990
Firm Name: Outten & Golden LLP
Address: 3 Park Ave., 29th Floor
City/State/Zip: New York, NY 10016
Phone Number: (212) 245-1000
Fax Number: (212) 977-4005

2008 JUN -4 PM 3:29
CLERK OF N.Y.

SDNY (Rev. 10/2006) Pro Hac Vice Sample Affidavit

UNITED STATES DISTRICT**SOUTHERN DISTRICT OF NEW YORK**Michael Danieli, individually and on
behalf of others similarly situated,

Plaintiff,

08 cv 3688 (RWS)

- against -

International Business Machines
Corporation

Defendant.

AFFIDAVIT OF
PIPER HOFFMAN
IN SUPPORT OF MOTION
TO ADMIT DAVID BORGEN
PRO HAC VICE

State of New York)

)

ss:

County of New York)

Piper Hoffman, being duly sworn, hereby deposes and says as follows:

1. I am a partner at Outten & Golden LLP, counsel for Plaintiff in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff's motion to admit David Borgen as counsel pro hac vice to represent Plaintiff in this matter.
2. I am a member in good standing of the bar of the State of New York and was admitted to practice law in New York on 2/26/03. I am also admitted to the bars of Massachusetts and D.C. and of the United States District Court for the Southern District of New York, and am in good standing in all of these bars.
3. I have known David Borgen for several years.
4. David Borgen is a partner at Goldstein, Demchak, Baller, Borgen & Dardarian in Oakland, California.
5. I have found Mr. Borgen to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move the admission of David Borgen pro hac vice.
7. I respectfully submit a proposed order granting the admission of David Borgen pro hac vice, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit David Borgen, pro hac vice, to represent Plaintiff in the above captioned matter, be granted.

Dated: 6/04/2008

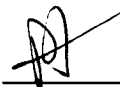
City, State: New York, NY

Notarized:

KRISTEN C. CABILDO
Notary Public State of New York
New York County Reg #01CA6139425
Commission Expires January 9, 2010



Respectfully submitted,



Name of Movant: Piper Hoffman

SDNY Bar Code: PH 4990

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Michael Danieli, on behalf of himself and those similarly situated, Plaintiff,

08 cv 3688 (RW)

- against -

International Business Machines Corporation Defendant.

**ORDER FOR ADMISSION
PRO HAC VICE
ON WRITTEN MOTION**

Upon the motion of Piper Hoffman attorney for Michael Danieli, on behalf of himself and those similarly situated, and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Applicant's Name: David Borgen
Firm Name: Goldstein, Demchak, Baller, Borgen & Dardarian
Address: 300 Lakeside Drive, Suite 1000
City/State/Zip: Oakland, California 94612
Telephone/Fax: (510) 763-9800
Email Address: borgen@gdblegal.com

is admitted to practice pro hac vice as counsel for Michael Danieli, on behalf of himself and those similarly situated, in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated:
City, State:

United States District/Magistrate Judge



THE STATE BAR OF CALIFORNIA

MEMBER SERVICES CENTER

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1639

TELEPHONE: 888-800-3400

May 29, 2008

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, DAVID BORGES, #99354 was admitted to the practice of law in this state by the Supreme Court of California on December 1, 1981; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

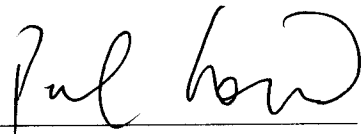
A handwritten signature in black ink, appearing to read "Kath Lambert".

Kath Lambert
Custodian of Membership Records

CERTIFICATE OF SERVICE

I, Piel Lora, under penalties of perjury, certify the following as true and correct: I am not a party to this action; and I am over 18 years of age. On this 4 day of June 2008, I served by mail a true and correct copy of the following: (1) Motion to Admit Counsel *Pro Hac Vice*; (2) Affidavit of Piper Hoffman in Support of Motion to Admit Counsel *Pro Hac Vice*; and (3) Proposed Order to Admit Counsel *Pro Hac Vice* Todd F. Jackson, Esq. and David Borgen, Esq. to the following attorneys of record for International Business Machines Corp., defendant in this action, whose last known address is:

Matthew W. Lampe, Esq.
Wendy C. Butler, Esq.
Jones Day
222 East 41st Street
New York, NY 10017



Piel Lora